

On motion of Senator Gregg,
The Senate adjourned till 10 o'clock
Monday morning.

TWELFTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, January 24, 1887. }
The Senate met pursuant to ad-
journment.

Lieutenant Governor Wheeler in the
chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator MacManus,

The reading of the Journal of Sat-
urday was dispensed with.

Senator Terrell asked to have the
Journal corrected, to substitute the
word "limitation," for the word "leg-
islation" in the report of Judiciary
Committee No. 1, on Senate bill No. 4,
on page 2, of the Journal. (Journal
corrected.)

Senator MacDonald asked to have
the Journal corrected to substitute the
words "bill thus" for the words "line
two." in the minority report on Senate
bill No. 59, in fourth line from bot-
tom of page 2, and to strike out the
word "the" in fifth line from top of
page 3, and to strike out the
word "nominal" and insert the word
"monied" about half way down first
column of page 3, in the same report.
(Journal corrected.)

These errors were all misprints.

PETITIONS AND MEMORIALS.

By Senator Burney:

Petition from the citizens of Medina
county, asking that they be relieved
of taxes for the year 1886.

Referred to Committee on State
Affairs.

By Senator Douglass of Grayson:

Petitions from citizens of Cooke and
Grayson counties, protesting against
the bill reducing rates charged by tele-
phone companies.

Referred to Committee on Internal
Improvements.

By Senator Houston:

Petition of county court of Montague
county, in reference to drouth sufferers.

Referred to Special Drouth Relief
Comm ttee.

And, petition of Wm. Kimball, a sol-
dier of the Texas revolution.

Referred to Committee on Finance.

COMMITTEE REPORTS.

By Senator Bell:

COMMITTEE ROOM, }
AUSTIN, January 22, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Judiciary Committee, to
whom was referred Senate bill No. 40,
the same being 'A bill to be entitled
an 'act to amend chapter 18 of the Re-
vised Civil Statutes', by adding thereto
Article 1379a, as to filing statement of
facts in cases on appeal,' have care-
fully examined the same, and instruct
me to report it back to the Senate,
with the recommendation that it do
pass. The object of the bill is to give
the Supreme Court, or Court of Ap-
peals, discretionary power to permit a
statement of facts to remain as part of
the record in cases on appeal, where a
party to the suit shows that he has
used due dilligence, and has failed to
get the approval and signature of the
judge in the time prescribed, and that
the failure was not the fault of the
party or his attorney.

All of which is respectfully submit-
ted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }
AUSTIN, January, 22, 1887. }
Hon. T. B. Wheeler, President of the
Senate:

Sir—Your Judiciary Committee No.
2, to whom was referred Senate bill
No. 84, the same being "A bill to be
entitled an act to repeal Articles 318
and 319, title 9, chapter 4, of the Penal
Code of the State of Texas, amend
Articles 320 and 321 of said chapter
and title," have carefully examined the
same, and instruct me to report it back
to the Senate with the recommenda-
tion that it do not pass.

The bill seeks to repeal the law
which prohibits the carrying of pistols
in the open country, away from public
places, and to increase the fine for car-
rying a pistol into any sort of public
place punishable by fine of not less
than \$50, nor more than \$500, in ad-
dition to which he may be confined in
the county jail for any time not ex-
ceeding six months.

All of which is respectfully submit-
ted.

BELL, chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Stinson:

Joint resolution to amend sections 4 and 5, Article 16 of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

And joint resolution to amend section 16, Article 3, of the Constitution of the State of Texas.

Referred to Committee on Constitutional Amendments.

By Senator Gregg:

A bill to be entitled "An act to compel railroads to furnish reasonable and equal facilities and accommodations to all persons and corporations engaged in express business for transportation of themselves, agents, servants, merchandise and other property.

Referred to Committee on Internal Improvements.

By Senator MacManus:

A bill to be entitled "An act to amend title 20 of the Revised Civil Statutes, by adding another chapter thereto to be styled chapter 14."

Referred to Committee on Internal Improvements.

By Senator Douglas of Jefferson:

A bill to be entitled "An act to authorize and require the Commissioner of the General Land Office of the State of Texas to issue patents to such lands as are or may be filed and located upon by virtue of certain land certificates issued under and by virtue of an act entitled 'an act for the relief of E. C. Collier, Thomas Collier and Wm. Romer, passed by the Nineteenth Legislature of the State of Texas.'"

Referred to Committee on Private Land Claims.

By Senator Claiborne:

"An act to prevent gambling in grain, stocks, wool, cotton and petroleum, and to make real estate owners responsible if they let or lease property to carry on said business, and telegraph companies liable for transmitting or delivering messages to agents or owners of said business."

Referred to Judiciary Committee No. 2

By Senator Frank:

A bill to be entitled "An act to amend Articles 3227, 3228, 3229, 3230, 3233, 3234, 3236 and 3238, of title 63, of the Revised Civil Statutes of the State of Texas, and to add Article 3239a to said title."

Referred to Judiciary Committee No. 2.

By Senator Woodward:

An act to be entitled "An act to amend section 1 of an act entitled 'an act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent surviving signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers or signers, and to repeal all laws or parts of laws in conflict therewith,'" passed at the regular session of the Nineteenth Legislature of the State of Texas.

Referred to Committee on State Affairs.

By Senator Abercrombie:

A bill to be entitled "An act to amend Article 1985, chapter 17, title 37, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

Senator Calhoun offered the following resolution:

Resolved, That the Journal Clerk be and is hereby authorized to select some one of the committee clerks to assist in making a synopsis of the bills as introduced, the said committee clerk to be relieved on that account from committee duty, and the Journal Clerk is authorized, with such assistance, to make and have published in the Journal as full reports of the proceedings of the Senate as he can best make in addition to what is already required, not to include speeches of Senators.

Amended by adding "that the Lieutenant Governor appoint a clerk to assist the Journal Clerk, and that said clerk shall do general committee work when not otherwise engaged," accepted and

Adopted by the following vote:

YEAS—23.

Abercrombie,	Glascock,
Allen, Wm.	Gregg,
Armistead,	Jarvis,
Bell,	Knittle,
Burges,	Lane,
Burney,	MacManus,
Calhoun,	Simkins,
Camp,	Stinson,
Claiborne,	Terrell,
Davis,	Upshaw,
Frank,	Woodward.
Garrison,	

NAYS—7.

Douglass of J.	McDonald,
Douglass of G.	Pope,
Field,	Woods,
Harrison,	

ABSENT—1.

Houston.

A message was received from the House informing the Senate that the House had elected Hon. J. N. Browning of Wheeler, Speaker *pro tempore* of the House.

On motion of Senator Claiborne, Senate joint resolution No. 2, "To raise a Senate, or joint committee to investigate the action of corporations and the providing of a bill upon the subject," was taken up and made special order for Wednesday, after morning call, and 300 copies were ordered printed for the use of the Senate and House.

On motion of Senator Frank, The Engrossing Clerk, Mr Huck, was excused till Wednesday, on account of sickness in family.

By Senator Simkins:

A bill to be entitled "An act to amend sections 1, 3 and 4 of 'an act to regulate the sale of spirituous, vinous or malt liquors or medicated bitters, and for other purposes.'"

The bill provides to tax saloons \$1,000; sales of less than five gallons, \$550, and over five gallons, \$500; that the tax shall be paid in advance; that a bond of \$5,000 be required of parties engaged in the sale of liquors, not to allow minors on premises or to sell to them, or to drunkards, or to allow gaming on the premises, or variety theatres, lewd women, music, etc., in connection with the said drinking places.

Referred to Committee on Finance.

By Senator Claiborne:

"An act to amend the charter of the city of Galveston, by amending sections 2, 3, 14, 19, 23, 54, 83, 113, 116, 122 and 127 thereof, and by adding thereto sections 18a, 73a, 96a, 131a and 132a.

Referred to Judiciary Committee No. 1.

Senator Stinson offered the following joint resolution:

Resolved by the Legislature of the State of Texas, That the President of the Senate appoint a committee of three, to act in conjunction with a like committee to be appointed by the House, whose duty it shall be to ascertain what repairs are needed upon the Governor's mansion and the probable cost of same, and make a report of their action

Adopted.

Senators Stinson, Camp and Glasscock were appointed the committee provided by the resolution.

Senate substitute bill No. 74, a bill to be entitled "An act to provide for the

relief of citizens of Texas suffering by reason of the drouth, to make an appropriation therefor, and to prescribe the manner in which it shall be distributed," was laid before the Senate as special order and read the second time.

Senator Upshaw moved to postpone further consideration of the bill till Friday and that it be made special order for that day after morning call.

Lost by the following vote:

YEAS—9.

Armistead,	McDonald,
Burges,	MacManus,
Davis,	Stinson,
Douglass of G,	Upshaw,
Knittle,	

NAYS—22.

Abercrombie,	Glasscock,
Allen	Gregg,
Bell,	Harrison
Burney,	Houston,
Calhoun,	Jarvis,
Camp,	Lane,
Claiborne,	Pope,
Douglass of J.	Simkins,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.

ABSENT—None.

Senator Terrell moved to amend by adding Article 10:

Whereas, Great distress, owing to said destitution by said drouth, now prevails in a great portion of this State, therefore, there is an imperative public necessity for suspending the rule requiring bills to be read on three several days, and an emergency exists requiring this act to be in force from and after its passage, and it is so enacted.

Adopted.

Senator Glasscock offered the following amendment:

Amend Article 3 by adding thereto after the word "provided," in the last line, the following words: "Said committee shall not draw a draft in the favor of the inhabitants of any county entitled to the benefit of this act for more than their proportionable share of such money, in proportion to the number of inhabitants in this State found by said committee to be entitled to the relief granted under the benefits of this act.

Lost.

Senator Lane moved to amend by adding after the word "food," in line 7, of Article 5, the words "and that

such inability was occasioned by the drouth."

Adopted.

Senator Allen moved to amend Article 4, so as to read, in line 2, after the word "corn," "oats, millet seed, sorghum seed."

Lost

Senator Harrison offered the following amendment:

Amend Article 2 by adding "Provided that drafts drawn by the committee shall not exceed in the aggregate the sum herein appropriated."

Adopted.

Senator Gregg offered the following amendment:

Amend by adding after word "provided," in section 3, tenth line, second page, the words "Provided, however, the county treasurer shall receive no commissions for receiving or paying out said money," and provided further, "That the county treasurer shall execute a bond, payable to the county judge, to be approved by said county judge, with two or more good and sufficient sureties, in double the amount to be paid into his hands, conditioned that he will faithfully account for and disburse said money."

Adopted.

Senator Camp offered the following amendment:

Amend Article 1 by adding after the word "dollars," in line 7, "or so much thereof as may be necessary."

Adopted.

Senator Woodward moved the previous question.

Seconded, and main question ordered.

The bill was ordered engrossed by the following vote:

YEAS—23.

Abercrombie,	Harrison,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus,
Camp,	Pope,
Claiborne,	Simkins,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woodward,
Glasscock,	

NAYS—8.

Armistead,	Gregg,
Davis,	McDonald,
Douglass of J,	Stinson,
Douglass of G,	Woods.

Senator Glasscock moved to suspend

the Constitutional rule and place the bill on third reading and final passage. Lost by the following vote:

YEAS—23.

Abercrombie,	Gregg,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus,
Camp,	Pope,
Claiborne,	Simkins,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woodward,
Glasscock,	

NAYS—8.

Armistead,	Harrison,
Davis,	McDonald,
Douglass of J,	Stinson,
Douglass of G,	Woods,

ABSENT—none.

On motion of Senator Bell, Senate Bill No. 85, "An act to establish and organize the county of Mills," was taken up out of its regular order and read second time.

Senator Bell moved to amend line 1, page 3, by striking out the words, "in January and July," and inserting, in lieu thereof, "in March and September."

Adopted.

The bill was ordered engrossed by the following vote:

YEAS—27.

Abercrombie,	Glasscock,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Jarvis,
Burges,	Lane,
Burney,	McDonald,
Calhoun,	McManus,
Camp,	Pope,
Claiborne,	Stinson,
Davis,	Terrell,
Douglass of J,	Upshaw,
Field,	Woods,
Frank,	Woodward,
Garrison,	

NAYS—none.

ABSENT—4.

Douglass of G,	Knittle,
Houston,	Simkins,

Senator Claiborne moved to reconsider the vote by which the resolution authorizing the appointment of a clerk

to assist the Journal Clerk in making a synopsis of the bills as introduced, was adopted.

The motion to reconsider was adopted by the following vote:

YEAS—19.

Abercrombie,	Jarvis,
Allen,	Lane,
Armistead,	McDonald,
Bell,	MacManus,
Camp,	Pope,
Claiborne,	Stinson,
Douglass of G,	Terrell,
Field,	Woods,
Gregg,	Woodward.
Harrison,	

NAYS—7.

Burney,	Garrison,
Calhoun,	Glassecock,
Davis,	Sinkins.
Frank,	

ABSENT—5.

Burges,	Knittle,
Douglass of J,	Upshaw,
Houston,	

Senator Claiborne moved to strike out the word "clerk," and insert the word "stenographer."

Adopted.

Senator Harrison offered the following amendment:

Amend by adding "who shall receive the same pay as clerks."

Adopted, and the resolution was passed as amended.

On motion of Senator McDonald, Senate bill No. 7, the "bucket shop" bill, was made special order for Monday next, after morning call.

By Senator Bell, by leave:

A bill to be entitled "An act to provide for the appointment of receivers in cases of attachment or garnishment, and to prescribe the duties and powers of the same."

Referred to Judiciary Committee No. 1.

The President announced the appointment of Geo. M. Israel to be Assistant Journal Clerk, in making synopsis of the bills.

Senate bill No. 36, "An act to be entitled, 'an act to repeal chapter 45 of the General Laws of the State of Texas, passed by the Seventeenth Legislature of the State of Texas, and approved March 15, A. D. 1881,'" was laid before the Senate, read third time, and passed.

On motion of Senator Frank,

The Senate adjourned till 10 o'clock to-morrow morning.

THIRTEENTH DAY.

SENATE CHAMBER. }

AUSTIN, TEXAS, January 25, 1887. }

The Senate met pursuant to adjournment.

(Lieutenant Governor Wheeler in the chair).

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Stinson,

The reading of the Journals was dispensed with.

Senator Burney asked to have the Journal corrected to show that it was Senate bill No. 85 and not Senate House bill No. 85, was acted on yesterday.

(Journal corrected).

The error was a misprint.

On motion of Senator Garrison,

Senator Allen was excused for four days on account of important business.

PETITIONS AND MEMORIALS.

By Senator Camp:

Petition from citizens of Smith county protesting against the passage of the bill reducing the rates charged by telephone companies.

Referred to Committee on Internal Improvements:

By Senator Burney:

Petition from citizens of El Paso, against bill reducing the rates charged by telephone companies.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition from citizens of Red River county relative to city convicts.

Referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

By Senator Garrison:

COMMITTEE ROOM. }

AUSTIN, January, 22, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Penitentiaries, to whom was referred Senate bill No. 82, the same being a bill entitled "An act to reduce the term of imprisonment of State convicts for good behavior," have carefully examined the same, and instruct me to report it back to the Senate with the recommendation that it do not pass.

Your committee are of the opinion that the objects sought to be attained